

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The Burlington Northern and Santa Fe Railway Company, the
Village of Stronghurst, the County of Henderson, and the State of
Illinois, Department of Transportation.

T01-0007

Stipulated Agreement regarding improving public safety at the
crossings of the Company's track(s) with public highways known
as Elizabeth Street and Broadway Street located in the Village of
Stronghurst and Carman Road (FAS 419, CH-7), located near
Stronghurst, all in Henderson County, Illinois, designated as
crossings DOT 004 727E, milepost 209.11-M; DOT 004 725R,
milepost 208.97-M; and DOT 004 729T, milepost 210.93-M,
respectively.

ORDER

By the Commission:

On June 2, 2000, June 14, 2000, June 16, 2000, July 26, 2000 and January 22, 2001, the Staff of the Illinois Commerce Commission, the County of Henderson, the Village of Stronghurst, The Burlington Northern and Santa Fe Railway Company, and the Illinois Department of Transportation, respectively, executed the Stipulated Agreement according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law. The Stipulated Agreement, which is appended hereto, provides for safety improvements at the crossings of The Burlington Northern and Santa Fe Railway Company's track(s) with public highways known as Elizabeth Street and Broadway Street located in the Village of Stronghurst and Carman Road (FAS 419, CH-7), located near Stronghurst, all in Henderson County, Illinois. The Stipulated Agreement contains estimates of cost to accomplish the improvements and a division of cost among the parties.

The Commission, having given due consideration to the Stipulated Agreement, finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the physical characteristics of the subject highway - railroad grade crossings, rail and highway volumes and speeds are indicated on Exhibits A, A-1 and A-2 of the Stipulated Agreement, appended hereto;
- (3) the Parties agree that in the interest of public safety the improvements as set forth in Section 2 of the Stipulated Agreement, appended hereto, should

be performed;

- (4) the cost for the proposed improvements should be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, in accordance with the Law;
- (5) it is fair and reasonable that the Secretary of the Illinois Department of Transportation through the Grade Crossing Protection Fund of the Motor Fuel Tax Law and The Burlington Northern and Santa Fe Railway Company be directed to bear their respective portions of the actual cost of the proposed improvements as set forth in Section 5 of the Stipulated Agreement, appended hereto.

IT IS THEREFORE ORDERED that the terms of the Stipulated Agreement executed by the Staff of the Illinois Commerce Commission, the County of Henderson, the Village of Stronghurst, The Burlington Northern and Santa Fe Railway Company, and the Illinois Department of Transportation on June 2, 2000, June 14, 2000, June 16, 2000, July 26, 2000 and January 22, 2001, respectively, be, and they are hereby accepted and required to be met by the aforesaid parties.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company be, and it is hereby, required and directed to proceed immediately in performing its work as set forth in Section 2 of the Stipulated Agreement, appended hereto, and shall complete its work within one (1) year from the date of this Order.

IT IS FURTHER ORDERED that the cost of making the improvements herein required shall be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, as set forth in Section 5 of the Stipulated Agreement, appended hereto.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company shall file Form 3 of 92 Ill. Adm. Code 1535 of this Commission, one for each location, showing details of the automatic warning devices herein required and shall receive approval thereof by X-Resolution before commencing the work of installation.

IT IS FURTHER ORDERED that all bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, Illinois, 62764. The Illinois Department of Transportation shall submit a copy of each bill to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures shall be clearly marked "Final Bill". All bills shall be submitted to the

Department no later than twenty four (24) months from the date of this Order. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in this Order. The Department shall, at the end of the 24th month from this Order date, de-obligate all residual funds accountable for installation costs for this project.

IT IS FURTHER ORDERED that that The Burlington Northern and Santa Fe Railway Company shall at six (6) month intervals from the date of this Order until the project has been completed, submit written reports to the Director of Processing, Transportation Division of the Commission stating the progress [it / each] has made toward completion of the work herein required. Each progress report shall include the Commission Order Number, the Order Date, the project completion date as noted in this Order, crossing information (Inventory Number and Railroad Milepost), type of improvement, and project manager information (the name, title, mailing address, phone number and facsimile of that The Burlington Northern and Santa Fe Railway Company employee responsible for management of the project.)

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company shall submit to the Director of Processing, Transportation Division of the Commission within five (5) days of the completion of the work herein required, a National Inventory Update Report Form as a notice of said completion.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the total project and percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

By Order of the Commission this 15th day of February, 2001.

*Richard P. Mathias*³

Chairman

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| EXAMINER |
| SECTION CHIEF <i>MES</i> |
| <i>[Signature]</i> Supervisor of Orders |